THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.18238 of 2005

26.9.2005

Between:

1. Pentapati Venkata Rama Rao, S/o.Nukayya, Cultivation,

Kolimeru Village, Tuni Mandal, East Godavari District

And others.

… Petitioners

AND

1. The Chairman, The District Level Committee of Sand Auction,

Zilla Parishad, Kakinada, East Godavari District

And others.

… Respondents.

ORDER:

The petitioners who are five in number are owners of agricultural lands situated at Kolimeru village of Tuni Mandal in East Godavari District. Their lands, statedly, are abutting Thandava river. Due to floods, there was a sand formation and sand accumulation on the petitioners' lands. Therefore they approached the second respondent by making a representations on 14.7.2005. By endorsement dated 27.7.2005, second respondent rejected their representations seeking permission to remove accumulated sand from their lands. The petitioners, therefore, filed the present writ petition.

I n **Bheemagari Bhaskar v. Revenue Divisional Officer, Bhongir, Nalgonda District** a Division Bench of this Court to which I was a Member held that competent authority specified in A.P.Minor Mineral Concession Rules, 1966 (the Rules, for short) is alone entitled to deal with the sand deposited on the land of pattadars and that pattadars cannot claim right to dispose of the sand deposited on the land by paying royalty nor can any permit be granted in their favour automatically. This Court, therefore, observed that whenever there is a sand accumulation or deposit of sand on agricultural land, the owner can remove the sand keeping it in a corner of his land and inform the Mandal Revenue Officer. This Court also further observed that owner can make an application to District Panchayat Officer, who shall conduct auction for disposal of the sand in accordance with the Rules referred to

hereinabove.

Following the Division Bench Judgment, I have also disposed of W.P.No.6901 of 2003 giving certain directions. Following the same, this writ petition is also disposed of, with the following directions and observations.

i. The petitioners may remove the sand on their lands – only from their lands – after informing the Mandal Revenue Officer and keep it in the corner on their own lands;

ii. After removing the sand and informing the Mandal Revenue Officer, the petitioners may make an application to the District Panchayat Officer, who is Member-Convener of the District Level Committee as per Rule 9B of the Rules who shall auction the sand collected on the petitioners lands in accordance with the said Rules of 1966 as amended by the said G.O.

iii. The petitioners shall not be entitled to quarry sand in the vagu (stream), which allegedly situated abutting to the petitioners lands, and

iv. There shall be no order as to costs.

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(**V.V.S.RAO,J**)

September 26, 2005.

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